

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ROTHSCHILD PATENT IMAGING LLC, §

Plaintiff, §

vs. §

SLOMIN'S, INC. §

Defendant. §
_____ §

Case No: 2:17-CV-05915-BMC

**PLAINTIFF ROTHSCCHILD PATENT IMAGING LLC's ANSWER TO
COUNTERCLAIMS OF SLOMIN'S, INC.**

Plaintiff Rothschild Patent Imaging LLC ("RPI") respectfully submits this Answer to the counterclaims asserted by Slomin's, Inc. ("Defendant") in its Answer to Plaintiff's Complaint ("Answer").

COUNTERCLAIMS

JURISDICTION AND VENUE

1. Plaintiff admits that Defendant seeks declaratory relief and that jurisdiction is proper in this court. Plaintiff also admits that an actual controversy exists as to the validity and infringement of Claim 6 of the '797 Patent, Claims 1 and 5 of the '722 Patent, and Claim 1 of the '437 Patent. Plaintiff denies any remaining allegations contained in paragraph 1.

2. Admitted.

THE PARTIES

3. Plaintiff is without sufficient knowledge to form a belief as to the allegations set forth in paragraph 3 and, therefore, denies the same.

4. Admitted.

GENERAL ALLEGATIONS

5. Admitted.

6. Admitted.

FIRST COUNTERCLAIM

(Declaration of Patent Non-Infringement, U.S. Pat No. 8,437,797)

7. Plaintiff incorporates its answers to paragraphs 1-6 herein.

8. Denied.

9. Plaintiff admits that an actual controversy has arisen and now exists as to the infringement of Claim 6 of the '797 Patent. Plaintiff denies any remaining allegations contained in paragraph 9.

10. Denied.

SECOND COUNTERCLAIM

(Declaration of Patent Non-Infringement, U.S. Pat. No. 8,594,722)

11. Plaintiff incorporates its answers to paragraphs 1-11 herein.

12. Denied.

13. Plaintiff admits that an actual controversy has arisen and now exists as to the infringement of Claims 1 and 5 of the '722 Patent. Plaintiff denies any remaining allegations contained in paragraph 13.

14. Denied.

THIRD COUNTERCLAIM

(Declaration of Patent Non-Infringement, U.S. Pat. No. 8,204,437)

15. Plaintiff incorporates its answers to paragraphs 1-14 herein.

16. Denied.

17. Plaintiff admits that an actual controversy has arisen and now exists as to the

infringement of Claim 1 of the '437 Patent. Plaintiff denies any remaining allegations contained in paragraph 17.

18. Denied.

FOURTH COUNTERCLAIM
(Declaration of Patent Invalidity, U.S. Pat. No. 8,594,722)

19. Plaintiff incorporates its answers to paragraphs 1-18 herein.

20. Denied.

21. Plaintiff admits that an actual controversy has arisen and now exists as to the validity of Claim 6 of the '797 Patent. Plaintiff denies any remaining allegations contained in paragraph 21.

22. Denied.

FIFTH COUNTERCLAIM
(Declaration of Patent Invalidity, U.S. Pat. No. 8,594,722)

23. Plaintiff incorporates its answers to paragraphs 1-22 herein.

24. Denied.

25. Plaintiff admits that an actual controversy has arisen and now exists as to the validity of Claims 1 and 5 of the '722 Patent. Plaintiff denies any remaining allegations contained in paragraph 25.

26. Denied.

SIXTH COUNTERCLAIM
(Declaration of Patent Invalidity, U.S. Pat. No. 8,204,437)

27. Plaintiff incorporates its answers to paragraphs 1-26 herein.

28. Denied.

29. Plaintiff admits that an actual controversy has arisen and now exists as to the

validity of Claim 1 of the '437 Patent. Plaintiff denies any remaining allegations contained in paragraph 29.

30. Denied.

EXCEPTIONAL CASE

31. Denied.

PRAYER FOR RELIEF

To the extent that any response is required to the Prayer for Relief, Plaintiff denies that Defendant is entitled to judgment or any of the relief it has requested.

Dated: January 2, 2018

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 2, 2018.

/s/ Jay Johnson

Jay Johnson